

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 336

HOUSE BILL 2552

AN ACT

AMENDING SECTIONS 15-203, 15-779, 15-779.01, 15-779.02 AND 15-779.03, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 4.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-779.04; MAKING AN APPROPRIATION; RELATING TO EDUCATION FOR GIFTED PUPILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to
3 read:

4 15-203. Powers and duties

5 A. The state board of education shall:

6 1. Exercise general supervision over and regulate the conduct of the
7 public school system and adopt any rules and policies it deems necessary to
8 accomplish this purpose.

9 2. Keep a record of its proceedings.

10 3. Make rules for its own government.

11 4. Determine the policy and work undertaken by it.

12 5. Appoint its employees, on the recommendation of the superintendent
13 of public instruction.

14 6. Prescribe the duties of its employees if not prescribed by statute.

15 7. Delegate to the superintendent of public instruction the execution
16 of board policies and rules.

17 8. Recommend to the legislature changes or additions to the statutes
18 pertaining to schools.

19 9. Prepare, publish and distribute reports concerning the educational
20 welfare of this state.

21 10. Prepare a budget for expenditures necessary for proper maintenance
22 of the board and accomplishment of its purposes and present the budget to the
23 legislature.

24 11. Aid in the enforcement of laws relating to schools.

25 12. Prescribe a minimum course of study in the common schools, minimum
26 competency requirements for the promotion of pupils from the third grade and
27 minimum course of study and competency requirements for the promotion of
28 pupils from the eighth grade. The state board of education shall prepare a
29 fiscal impact statement of any proposed changes to the minimum course of
30 study or competency requirements and, on completion, shall send a copy to the
31 director of the joint legislative budget committee and the executive director
32 of the school facilities board. The state board of education shall not adopt
33 any changes in the minimum course of study or competency requirements in
34 effect on July 1, 1998 that will have a fiscal impact on school capital
35 costs.

36 13. Prescribe minimum course of study and competency requirements for
37 the graduation of pupils from high school. The state board of education
38 shall prepare a fiscal impact statement of any proposed changes to the
39 minimum course of study or competency requirements and, on completion, shall
40 send a copy to the director of the joint legislative budget committee and the
41 executive director of the school facilities board. The state board of
42 education shall not adopt any changes in the minimum course of study or
43 competency requirements in effect on July 1, 1998 that will have a fiscal
44 impact on school capital costs.

1 14. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher or
3 indirectly as a supervisory teacher, speech therapist, principal or
4 superintendent in a school district, including school district preschool
5 programs, or any other educational institution below the community college,
6 college or university level, and prescribe rules for certification, including
7 rules for certification of teachers who have teaching experience and who are
8 trained in other states, which are not unnecessarily restrictive and are
9 substantially similar to the rules prescribed for the certification of
10 teachers trained in this state. ~~Until July 1, 2006,~~ The rules shall require
11 applicants for all certificates for common school instruction to complete a
12 minimum of forty-five classroom hours or three college level credit hours, or
13 the equivalent, of training in research based systematic phonics instruction
14 from a public or private provider. The rules shall not require a teacher to
15 obtain a master's degree or to take any additional graduate courses as a
16 condition of certification or recertification. The rules shall allow a
17 general equivalency diploma to be substituted for a high school diploma in
18 the certification of emergency substitute teachers.

19 15. Adopt a list of approved tests for determining special education
20 assistance to gifted pupils as defined in and as provided in chapter 7,
21 article 4.1 of this title. The adopted tests shall provide separate scores
22 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
23 shall be capable of providing reliable and valid scores at the highest ranges
24 of the score distribution.

25 16. Adopt rules governing the methods for the administration of all
26 proficiency examinations.

27 17. Adopt proficiency examinations for its use. The state board of
28 education shall determine the passing score for the proficiency examination.

29 18. Include within its budget the cost of contracting for the purchase,
30 distribution and scoring of the examinations as provided in paragraphs 16 and
31 17 of this subsection.

32 19. Supervise and control the qualifications of professional
33 nonteaching school personnel and prescribe standards relating to
34 qualifications.

35 20. Impose such disciplinary action, including the issuance of a letter
36 of censure, suspension, suspension with conditions or revocation of a
37 certificate, upon a finding of immoral or unprofessional conduct.

38 21. Establish an assessment, data gathering and reporting system for
39 pupil performance as prescribed in chapter 7, article 3 of this title.

40 22. Adopt a rule to promote braille literacy pursuant to section
41 15-214.

42 23. Adopt rules prescribing procedures for the investigation by the
43 department of education of every written complaint alleging that a
44 certificated person has engaged in immoral conduct.

1 24. For purposes of federal law, serve as the state board for
2 vocational and technological education and meet at least four times each year
3 solely to execute the powers and duties of the state board for vocational and
4 technological education.

5 25. Develop and maintain a handbook for use in the schools of this
6 state that provides guidance for the teaching of moral, civic and ethical
7 education. The handbook shall promote existing curriculum frameworks and
8 shall encourage school districts to recognize moral, civic and ethical values
9 within instructional and programmatic educational development programs for
10 the general purpose of instilling character and ethical principles in pupils
11 in kindergarten programs and grades one through twelve.

12 26. Require pupils to recite the following passage from the declaration
13 of independence for pupils in grades four through six at the commencement of
14 the first class of the day in the schools, except that a pupil shall not be
15 required to participate if the pupil or the pupil's parent or guardian
16 objects:

17 We hold these truths to be self-evident, that all men are
18 created equal, that they are endowed by their creator with
19 certain unalienable rights, that among these are life, liberty
20 and the pursuit of happiness. That to secure these rights,
21 governments are instituted among men, deriving their just powers
22 from the consent of the governed. . . .

23 27. Adopt rules that provide for teacher certification reciprocity.
24 The rules shall provide for a one year reciprocal teaching certificate with
25 minimum requirements including valid teacher certification from a state with
26 substantially similar criminal history or teacher fingerprinting requirements
27 and proof of the submission of an application for a fingerprint clearance
28 card pursuant to title 41, chapter 12, article 3.1.

29 28. Adopt rules that will be in effect until December 31, 2006 and that
30 provide for the presentation of an honorary high school diploma to a person
31 who has never obtained a high school diploma and who meets each of the
32 following requirements:

33 (a) Is at least sixty-five years of age.

34 (b) Currently resides in this state.

35 (c) Provides documented evidence from the Arizona department of
36 veterans' services that the person enlisted in the armed forces of the United
37 States before completing high school in a public or private school.

38 (d) Was honorably discharged from service with the armed forces of the
39 United States.

40 29. Cooperate with the Arizona-Mexico commission in the governor's
41 office and with researchers at universities in this state to collect data and
42 conduct projects in the United States and Mexico on issues that are within
43 the scope of the duties of the department of education and that relate to
44 quality of life, trade and economic development in this state in a manner

1 that will help the Arizona-Mexico commission to assess and enhance the
2 economic competitiveness of this state and of the Arizona-Mexico region.

3 30. Adopt rules to define and provide guidance to schools as to the
4 activities that would constitute immoral or unprofessional conduct of
5 certificated persons.

6 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
7 and twelve to volunteer for twenty hours of community service before
8 graduation from high school. A school district that complies with the
9 guidelines adopted pursuant to this paragraph is not liable for damages
10 resulting from a pupil's participation in community service unless the school
11 district is found to have demonstrated wanton or reckless disregard for the
12 safety of the pupil and other participants in community service. For the
13 purposes of this paragraph, "community service" may include service learning.
14 The guidelines shall include the following:

15 (a) A list of the general categories in which community service may be
16 performed.

17 (b) A description of the methods by which community service will be
18 monitored.

19 (c) A consideration of risk assessment for community service projects.

20 (d) Orientation and notification procedures of community service
21 opportunities for pupils entering grade nine including the development of a
22 notification form. The notification form shall be signed by the pupil and
23 the pupil's parent or guardian, except that a pupil shall not be required to
24 participate in community service if the parent or guardian notifies the
25 principal of the pupil's school in writing that the parent or guardian does
26 not wish the pupil to participate in community service.

27 (e) Procedures for a pupil in grade nine to prepare a written proposal
28 that outlines the type of community service that the pupil would like to
29 perform and the goals that the pupil hopes to achieve as a result of
30 community service. The pupil's written proposal shall be reviewed by a
31 faculty advisor, a guidance counselor or any other school employee who is
32 designated as the community service program coordinator for that school. The
33 pupil may alter the written proposal at any time before performing community
34 service.

35 (f) Procedures for a faculty advisor, a guidance counselor or any
36 other school employee who is designated as the community service program
37 coordinator to evaluate and certify the completion of community service
38 performed by pupils.

39 32. ADOPT GUIDELINES THAT SCHOOL DISTRICT GOVERNING BOARDS SHALL USE IN
40 IDENTIFYING PUPILS WHO ARE ELIGIBLE FOR GIFTED PROGRAMS AND IN PROVIDING
41 GIFTED EDUCATION PROGRAMS AND SERVICES. THE STATE BOARD OF EDUCATION SHALL
42 ADOPT ANY OTHER GUIDELINES AND RULES THAT IT DEEMS NECESSARY IN ORDER TO
43 CARRY OUT THE PURPOSES OF CHAPTER 7, ARTICLE 4.1 OF THIS TITLE.

1 B. The state board of education may:
2 1. Contract.
3 2. Sue and be sued.
4 3. Distribute and score the tests prescribed in chapter 7, article 3
5 of this title.
6 4. Provide for an advisory committee to conduct hearings and
7 screenings to determine whether grounds exist to impose disciplinary action
8 against a certificated person, whether grounds exist to reinstate a revoked
9 or surrendered certificate and whether grounds exist to approve or deny an
10 initial application for certification or a request for renewal of a
11 certificate. The board may delegate its responsibility to conduct hearings
12 and screenings to its advisory committee. Hearings shall be conducted
13 pursuant to title 41, chapter 6, article 6.
14 5. Proceed with the disposal of any complaint requesting disciplinary
15 action or with any disciplinary action against a person holding a certificate
16 as prescribed in subsection A, paragraph 14 of this section after the
17 suspension or expiration of the certificate or surrender of the certificate
18 by the holder.
19 6. Assess costs and reasonable attorney fees against a person who
20 files a frivolous complaint or who files a complaint in bad faith. Costs
21 assessed pursuant to this paragraph shall not exceed the expenses incurred by
22 the state board in the investigation of the complaint.
23 Sec. 2. Section 15-779, Arizona Revised Statutes, is amended to read:
24 15-779. Definitions
25 In this article, unless the context otherwise requires:
26 1. "Gifted education" means ~~expanded~~ APPROPRIATE academic course
27 offerings ~~or advanced supplemental AND services, or both, as may be~~ THAT ARE
28 required to provide an educational program THAT IS AN INTEGRAL PART OF THE
29 REGULAR SCHOOL DAY AND that is commensurate with the academic abilities and
30 potential of a gifted pupil.
31 2. "Gifted pupil" means a child who is of lawful school age, who due
32 to superior intellect or advanced learning ability, or both, is not afforded
33 an opportunity for otherwise attainable progress and development in regular
34 classroom instruction and who needs ~~gifted instruction or advanced~~
35 ~~supplemental services, or both~~ APPROPRIATE GIFTED EDUCATION SERVICES, to
36 achieve at levels commensurate with the child's intellect and ability.
37 Sec. 3. Section 15-779.01, Arizona Revised Statutes, is amended to
38 read:
39 15-779.01. Powers and duties of the school district governing
40 board
41 A. BECAUSE IT IS IN THE PUBLIC INTEREST TO SUPPORT UNIQUE
42 OPPORTUNITIES FOR HIGH-ACHIEVING AND UNDERACHIEVING PUPILS WHO ARE IDENTIFIED
43 AS GIFTED, the governing board of each school district shall provide gifted
44 education to gifted pupils identified as provided in this article.

1 B. The governing board may SHALL modify the course of study and adapt
2 teaching methods, materials and techniques to provide educationally for those
3 pupils who are gifted and possess superior intellect or advanced learning
4 ability, or both, but may have an educational disadvantage resulting from a
5 disability or a difficulty in writing, speaking or understanding the English
6 language due to an environmental background in which a language other than
7 English is primarily or exclusively spoken. ~~Programs and services provided~~
8 ~~for gifted pupils as provided in this subsection may not be separate from~~
9 ~~programs provided for other gifted pupils and may not be provided in~~
10 ~~facilities separate from the facilities used for other gifted pupils.~~
11 Identification of gifted pupils as provided in this subsection shall be based
12 on tests or subtests that are demonstrated to be effective with special
13 populations including those with a disability or difficulty with the English
14 language.

15 C. IF A PUPIL WHO WAS PREVIOUSLY IDENTIFIED AS A GIFTED PUPIL BY A
16 SCHOOL DISTRICT OR CHARTER SCHOOL TRANSFERS INTO ANOTHER SCHOOL DISTRICT, THE
17 SCHOOL DISTRICT INTO WHICH THE PUPIL TRANSFERRED SHALL DETERMINE IN A TIMELY
18 MANNER WHETHER THE PUPIL SHALL BE IDENTIFIED AS A GIFTED PUPIL IN THAT SCHOOL
19 DISTRICT. THE SCHOOL DISTRICT INTO WHICH THE PUPIL TRANSFERRED SHALL PROVIDE
20 GIFTED EDUCATION TO TRANSFER PUPILS WHO ARE IDENTIFIED AS GIFTED WITHOUT
21 UNREASONABLE DELAY.

22 Sec. 4. Section 15-779.02, Arizona Revised Statutes, is amended to
23 read:

24 15-779.02. Gifted pupils: scope and sequence; annual financial
25 report

26 A. The governing board of each school district shall develop a scope
27 and sequence for the identification process of and curriculum modifications
28 for gifted pupils to ensure that gifted pupils receive gifted education
29 commensurate with their academic abilities and potentials. PROGRAMS AND
30 SERVICES FOR GIFTED PUPILS SHALL BE PROVIDED AS AN INTEGRATED, DIFFERENTIATED
31 LEARNING EXPERIENCE DURING THE REGULAR SCHOOL DAY. The scope and the
32 sequence shall:

33 1. Provide for routine screening for gifted pupils using one or more
34 tests adopted by the state board as prescribed in section 15-203, subsection
35 A, paragraph 15 and section 15-779.01. School districts may identify any
36 number of pupils as gifted but shall identify as gifted at least those pupils
37 who score at or above the ninety-seventh percentile, based on national norms,
38 on a test adopted by the state board of education.

2. Include an explanation of how gifted education for gifted pupils differs from regular education in such areas as:

- 41 (a) Content, including a broad based interdisciplinary curriculum.
42 (b) Process, including higher level thinking skills.
43 (c) Product, including variety and complexity.
44 (d) Learning environment, including flexibility.

1 3. INCLUDE CRITERIA, WHICH SHALL BE REVIEWED BY THE STATE BOARD OF
2 EDUCATION AND THE DEPARTMENT OF EDUCATION AT LEAST ONCE EVERY FOUR YEARS,
3 THAT ADDRESS THE ELEMENTS OF PROGRAM DESIGN, IDENTIFICATION, CURRICULUM,
4 INSTRUCTION, SOCIAL DEVELOPMENT, EMOTIONAL DEVELOPMENT, PROFESSIONAL
5 DEVELOPMENT OF ADMINISTRATORS, TEACHERS, SCHOOL PSYCHOLOGISTS AND COUNSELORS,
6 PARENT INVOLVEMENT, COMMUNITY INVOLVEMENT, PROGRAM ASSESSMENT AND BUDGETING.
7 THE BUDGET INFORMATION SHALL INCLUDE SEPARATE DATA ON IDENTIFICATION AND
8 PROGRAM COSTS AND ANY OTHER DATA REQUIRED BY THE SUPERINTENDENT OF PUBLIC
9 INSTRUCTION TO ADMINISTER AND EVALUATE THE PROGRAM EFFECTIVELY.

10 B. The governing board shall submit the scope and the sequence to the
11 department of education for approval on or before July 1 if any changes were
12 made during the previous fiscal year. THE GOVERNING BOARD SHALL SUBMIT THE
13 SCOPE AND THE SEQUENCE TO THE DEPARTMENT OF EDUCATION FOR APPROVAL ON OR
14 BEFORE JULY 1 EVERY FIVE YEARS IF NO CHANGES WERE MADE DURING THE PREVIOUS
15 FIVE YEARS. All school districts shall provide to gifted pupils gifted
16 education commensurate with their academic abilities and potentials.

17 C. If the governing board fails to submit the scope and sequence for
18 gifted pupils as prescribed in subsection B of this section or if the scope
19 and sequence submitted by the governing board fails to receive full approval
20 by the superintendent of public instruction, the school district is not
21 eligible to receive state aid for the group A weight for ~~three~~ SEVEN per cent
22 of the student count and shall compute the weighted student count for pupils
23 in group A as provided in section 15-943 by adjustment of the student count
24 accordingly. On or before December 1 of each year, the department of
25 education shall notify those school districts that appear to be in
26 noncompliance and note the specific areas of deficiencies that must be
27 corrected on or before April 1 of the following year to be eligible to use
28 the actual student count rather than an adjusted student count. On or before
29 April 15 of each year, the department shall notify those districts that must
30 use an adjusted student count for the next fiscal year's state aid as
31 provided in chapter 9 of this title.

32 D. The annual financial report of a school district as prescribed in
33 section 15-904 shall include the amount of monies spent on programs for
34 gifted pupils and the number of pupils enrolled in programs or receiving
35 services by grade level.

36 Sec. 5. Section 15-779.03, Arizona Revised Statutes, is amended to
37 read:

38 15-779.03. Additional assistance for gifted programs

39 A. School districts that comply with section 15-779.01 and that submit
40 evidence that all district teachers who have primary responsibility for
41 teaching gifted pupils have obtained or are working toward obtaining the
42 appropriate certification endorsement as required by the state board of
43 education may apply to the department of education for additional funding for
44 gifted programs equal to ~~fifty-five~~ SEVENTY-FIVE dollars per pupil for ~~three~~
45 FOUR per cent of the district's student count, or ~~one thousand~~ TWO THOUSAND

1 dollars, whichever is more. As an alternate to the individual district
2 application process, a governing board may request that a county school
3 superintendent apply on its behalf as part of an educational consortium. The
4 consortium may include school districts in more than one county. If
5 additional monies are available after funding all eligible school districts
6 or educational consortia, the additional monies shall be used to increase the
7 per pupil amount for each district or educational consortium funded. If
8 sufficient monies are not available to meet all requests, the state board of
9 education shall determine the allocation of monies based on the
10 comprehensiveness across grade levels, appropriateness to the population
11 being served, utility and demonstrated effectiveness of the scope and
12 sequence and the likelihood of the school district's or educational
13 consortium's proposed program successfully meeting the needs of the gifted
14 pupils. A school district shall include the monies it receives for gifted
15 programs and services under this section in the special projects section of
16 the budget.

17 B. School districts ~~that receive additional assistance as provided in~~
18 ~~this section~~ shall conduct evaluation studies of their programs for the
19 gifted and submit information to the department of education regarding the
20 results of their studies. The department shall develop evaluation
21 guidelines, reporting forms, procedures and timelines.

22 C. MONIES DISTRIBUTED PURSUANT TO THIS SECTION SHALL SUPPLEMENT AND
23 NOT SUPPLANT MONIES FROM OTHER SOURCES.

24 Sec. 6. Title 15, chapter 7, article 4.1, Arizona Revised Statutes, is
25 amended by adding section 15-779.04, to read:

26 15-779.04. Powers and duties of the superintendent of public
27 instruction

28 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL:

29 1. APPORTION MONIES TO EACH SCHOOL DISTRICT FOR WHICH AN APPLICATION
30 TO OFFER PROGRAMS FOR GIFTED PUPILS HAS BEEN APPROVED BY THE DEPARTMENT OF
31 EDUCATION PURSUANT TO RULES ADOPTED BY THE STATE BOARD OF EDUCATION.

32 2. ON REQUEST, ASSIST SCHOOL DISTRICT GOVERNING BOARDS TO DESIGN,
33 IMPLEMENT AND EVALUATE PROGRAMS FOR GIFTED PUPILS.

34 3. ENSURE THAT THE EXPENDITURE OF MONIES AUTHORIZED FOR PROGRAMS FOR
35 GIFTED PUPILS IS CONSISTENT WITH THIS ARTICLE.

36 4. ENCOURAGE THE DEVELOPMENT OF LOCALLY DESIGNED, INNOVATIVE PROGRAMS
37 FOR GIFTED PUPILS.

38 5. ASSIST SCHOOL DISTRICTS IN THE DEVELOPMENT AND IMPLEMENTATION OF
39 STAFF DEVELOPMENT PROGRAMS FOR ADMINISTRATORS, TEACHERS AND COUNSELORS
40 RELATED TO GIFTED PUPILS.

41 6. ENCOURAGE THE DEVELOPMENT OF PROCEDURES THAT ASSURE THE ONGOING
42 PARTICIPATION OF PARENTS OF GIFTED PUPILS IN THE PLANNING AND EVALUATION OF
43 GIFTED EDUCATION PROGRAMS AND SERVICES.

1 Sec. 7. Appropriation; purpose

2 The sum of \$2,000,000 is appropriated from the state general fund in
3 fiscal year 2006-2007 to the department of education for funding the gifted
4 program funding formula prescribed in section 15-779.03, Arizona Revised
5 Statutes, as amended by this act.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2006.